

TELEPHONE (312) 258-5500

## SCHIFF HARDIN LLP

## PATENT DEPARTMENT

6600 SEARS TOWER

233 SOUTH WACKER DRIVE

CHICAGO, ILLINOIS 60606

GROUP ART UNIT: 3762

JUN 27 2005

In re application of: Höijer et al.

SERIAL NO.: 10/070,470

EXAMINER: Lenwood Faulcon, Jr.

FILED: July 3, 2002

CONFIRMATION NO.: 4665

TITLE: "DUAL CHAMBER HEART STIMULATOR WITH EVOKED RESPONSE DETECTOR"

RESPONSE TO THE APRIL 21, 2005 OFFICE ACTION**MAIL STOP AMENDMENT (PCT)**

Assistant Commissioner for Patents

Washington D.C. 20231

SIR:

Transmitted herewith is an amendment in the above-identified application.

 No additional fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS	*8	MINUS	**20	X	( ) X 9.00 ( ) X 18.00	
INDEP. CLAIMS	*1	MINUS	3	X	( ) X 40.00 ( ) X 80.00	
Application amended to contain any multiple dependent claims not previously paid for.				( ) YES ( ) NO	( ) \$135.00 ( ) \$270.00 ONE TIME	
				TOTAL ADDITIONAL FEE FOR THIS AMENDMENT		\$0.00

\* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20 write "20" in this space.

Applicants petition the Commissioner of Patents and Trademarks to extend this time for response to the Office Action dated \_\_\_\_\_ for \_\_\_\_\_ months so that the period for response is extended to \_\_\_\_\_. A check in the amount of \$\_\_\_\_\_ is attached to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to deposit account No. 501519. A duplicate copy of this sheet is enclosed.

A check in the amount of \$\_\_\_\_\_ is attached.

A check for \$\_\_\_\_\_ accompanying IDS under 37 CFR 1.97(c) is attached

A check for \$\_\_\_\_\_ and Petition for Consideration of IDS under 37 CFR 1.97(d) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519. A duplicate of this sheet is enclosed.

When phoning re this application, please call (312) 258-5500.

SCHIFF HARDIN LLP (Customer Number: 26574)

BY Steven H. Noll (28,982)I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on June 24, 2005.

Steven H. Noll

NAME OF APPLICANT'S ATTORNEY

Steven H. Noll

SIGNATURE

June 24, 2005

DATE



BOX PCT  
IN THE UNITED STATES DESIGNATED OFFICE  
OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
UNDER THE PATENT COOPERATION TREATY-CHAPTER II

5           **RESPONSE TO THE APRIL 21, 2005 OFFICE ACTION**

APPLICANTS: Höijer et al.            GROUP ART UNIT: 3762  
SERIAL NO.: 10/070,470            EXAMINER: Lenwood Faulcon, Jr.  
FILED: July 3, 2002            CONFIRMATION NO.: 4665  
10            TITLE: "DUAL CHAMBER HEART STIMULATOR WITH  
EVOKED RESPONSE DETECTOR"

**MAIL STOP AMENDMENT (PCT)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

15            Sir:

Applicants and their counsel have carefully reviewed the Office Action dated April 21, 2005, but believe the claims in their present form are patentable over the teachings of the references relied upon by the Examiner. Reconsideration of the application in view of the following arguments in  
20 support of patentability is therefore respectfully requested.

**REMARKS:**

In the April 21, 2005 Office Action, claims 14-18, 20 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kieval et al. '620 in view of Lu et al. The Examiner stated the Kieval et al. '620 reference  
25 teaches a pacemaker system wherein fusion beats are detected and the number of such fusion beats that occur over a predetermined time interval or a number of pacemaker cycles is also monitored, to determine whether the percentage occurrence of fusion beats is acceptable. The Examiner also noted that the Kieval et al. '620 reference teaches automatically shortening  
30 the AV interval if an unacceptable fusion percentage is detected.